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PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing       Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)  
OR

Attorney Docket Number	39238-0753
First Named Inventor	Stern
COMPLETE IF KNOWN	
Application Number	10/072,475
Filing Date	02/06/2002
Group Art Unit	Not assigned
Examiner Name	Not assigned

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HANDPIECE FOR TREATMENT OF TISSUE**

*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)

02/06/2002

as United States Application Number or PCT International

Application Number 10/072,475 and was amended on (MM/DD/YYYY) NA (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate filed prior to the PCT international application which designated at least one country other than the United States of

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below, and, insofar as the subject matter of each of the claims of the application is not designated in the prior United States or PCT international application in the manner provided by the first paragraph of 31 U.S.C. 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/522,275	03/09/2000	

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

As a named Inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:  Customer Number 25213

Place Customer  
Number Bar  
Code Label Here

OR

Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to:  Customer Number 25213 OR  Correspondence address below

Name			
Address			
Address			
City	State	ZIP	
Country	Telephone		Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:  A petition has been filed for this unsigned Inventor

Given Name (first and middle (if any))		Family Name or Surname					
Roger A.		STERN					
Inventor's Signature	<i>Roger A. Stern</i>			Date 05/24/2002			
Residence: City	Cupertino	State	CA	Country	US	Citizenship	US
Post Office Address	10418 Palo Vista Road						
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City	State	CA	ZIP	95014	Country	US	

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PTO/SB/02A (3-97)

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## DECLARATION

### ADDITIONAL INVENTOR(S)

Supplemental Sheet

Page 1 of 1

#### Name of Additional Joint Inventor, if any:

A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))

Family Name or Surname

Mitchell

LEVINSON

Inventor's Signature

Date

6-13-02

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Family Name or Surname

Inventor's Signature

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State

Country

Citizenship

Post Office Address

Post Office Address

City

State

ZIP

Country



**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR**  
**UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

undersigned ASSIGNEE of the entire interest in:

U.S. Patent No. \_\_\_\_\_  
 U.S. application no. 10/072,475, filed on 02/06/2002

hereby appoints the practitioners at Customer Number 25213 as its attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

*(complete one of the following)*

a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

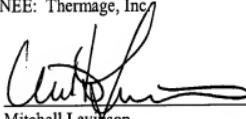
the Assignment recorded on        at reel       , frames       -      .

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all correspondence and telephone calls to:

Name	Paul Davis					
Address	Heller Ehrman White & McAuliffe					
Address	275 Middlefield Road					
City	Menlo Park	State	CA	Zip	94025	Customer No.: 25213
Country	USA	Telephone	(650) 324-7000	Fax	(650) 324-0638	

ASSIGNEE: Thermage, Inc.

Name:   
 Mitchell Levinson

Date: 6-13-02

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## ASSIGNMENT OF APPLICATION

Docket Number 39238-0753

Whereas, the undersigned:

1. STERN, Roger Cupertino, CA	2. LEVINSON, Mitchell Pleasanton, CA	3. WEBER, Bryan Livermore, CA
----------------------------------	---	----------------------------------

hereinafter termed "Inventors", have invented certain new and useful improvements in

## HANDPIECE FOR TREATMENT OF TISSUE

for which an application for United States Patent was filed on 02/06/2002, Application No. 10/072,475  
 for which an application for a United States Patent was executed on       , and

WHEREAS, Thermage, Inc., a corporation having a place of business at 4058 Point Eden Way, Hayward, CA 94545, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

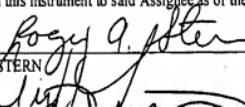
2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications thereto and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument to said Assignee as of the dates written below:

Date: 05/23/2002

  
Roger STERN

1-13-2002